

LOWER ALLEN TOWNSHIP AUTHORITY

120 Limekiln Road, New Cumberland, PA 17070-2428

Office: (717) 774-0610 • Fax: (717) 774-2291

November 4, 2010

Water Docket
U.S. Environmental Protection Agency
Mail Code 2822T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

NOV 15 2010

Re: Docket ID No. EPA-R03-OW-2010-0736
Chesapeake Bay TMDL Comments

The Lower Allen Township Authority respectfully submits the following comments on the EPA Chesapeake Bay TMDL.

1. Federal Mandate No Funding – The EPA Chesapeake Bay TMDL as supported by the Executive Order places a federal mandate on local governments with no funding, which by definition is a tax. The EPA backstop Pennsylvania WIP results in a further punitive tax against point sources that are working toward compliance and rewards non-point sources for noncompliance. EPA's backstop Pennsylvania WIP should identify the funding resources necessary to implement the Agency WIP with a gap analysis to provide reasonable assurance, identify the federal resources for actual upgrades to plants. The total federal, state, local and private cost burden to each should be identified in the TMDL.
2. Objective – EPA should provide in the TMDL a year in which the Bay water quality will be improved following full implementation of the TMDL.
3. Delivery Rates – EPA should technically justify the use of different delivery ratios and old model output data in development of the Pennsylvania WIP that supports the TMDL. The failure of EPA and PA DEP to resolve this issue before finalizing the WIP and TMDL is irresponsible and provides no reasonable assurance of plan success.
4. Impaired Water – EPA should identify in the TMDL when the Agency listed the Susquehanna River on the 303d list of impaired waters and document Pennsylvania's request to EPA for develop a TMDL in support of the Agency action.
5. WIP Attachment – EPA has stated the TMDL is dependent on and supported by the state WIPs but failed to attach the WIPs to the TMDL. The final TMDL should contain copies of all final WIPs as attachments.

Attendance at PA DEP WIP and EPA TMDL meetings or any input or comments made should not be considered as support of the PA DEP WIP or EPA TMDL nor imply any involvement with drafting of the documents.

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